

United States Courts
Southern District of Texas
FILED

APR 08 2018

David J. Bradley, Clerk of Court

A091 (Rev. 8/01) Criminal Complaint

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA
V.
Mario Alberto GUILLEN

CRIMINAL COMPLAINT

Case Number: 2:18mj416

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 4/7/2018 in Brooks County, in the

Southern District of Texas defendant(s), Mario Alberto GUILLEN

did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324
I further state that I am a(n) Border Patrol Agent and that this complaint is based on the following facts:
Official Title

See Attached Affidavit of U.S. Border Patrol Agent Julien B. James

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Submitted by reliable electronic means, sworn to,
signature attested telephonically per Fed.R.Crim.P.4.1,
and probable cause found:

Signature of Complainant

Julien B. James

Printed Name of Complainant

April 8, 2018

Date

B. Janice Ellington, U.S. Magistrate Judge

Name and Title of Judicial Officer

at

Corpus Christi, Texas

City and State

Signature of Judicial Officer

AFFIDAVIT

The information contained in this report/affidavit is based upon my personal participation in the investigation, which included, but is not limited to information relayed to me by other agents and officers participating in the investigation.

PROBABLE CAUSE / FACTS

On April 7, 2018, at approximately 05:00 a.m., a Toyota Camry approached the primary inspection lane for an immigration inspection of driver and passengers.

The primary agent asked Mario Alberto GUILLEN if he was a United States Citizen and he stated "Yes" while attempting to hand his Texas driver license to the agent. The agent noticed GUILLEN's hand was shaking while he was attempting to hand his driver license over. The agent purposely did not grab the license to observe GUILLEN and to see if he would continue to shake as a possible sign of nervousness. GUILLEN pulled his hand back while still holding his driver license.

The agent asked GUILLEN where he was coming from and he stated from visiting family members in McAllen. The agent noticed that GUILLEN's hand was now shaking even more than the first time.

The agent asked GUILLEN where in McAllen his family member lived and he proceeded to stutter and said near Edinburg. The agent asked GUILLEN what part of Edinburg and he could not provide a location. GUILLEN attempted to hand his driver license to the agent who noticed that he was extremely nervous once again and that his hands had begun to sweat.

As the agent was performing his immigration inspection, he was able to look inside the car and notice that it was empty not showing signs of a vehicle used for out of town travel. There appeared to be no luggage nor personal property within. GUILLEN was asked for consent to look inside the trunk of his vehicle to which he granted. When the agent opened the trunk, he discovered one person laying down. The agent went back to GUILLEN and told him to step out of the car while placing handcuffs on him for officer safety. Once outside the car, agents performed an immigration inspection of the subject in the trunk (later identified as Lucio CARILLO-Baez) and he freely admitted to being a citizen of Mexico illegally present in the United States.

GUILLEN was then placed under arrest and escorted inside the checkpoint for further questioning.

MIRANDA RIGHTS WARNING:

Mario Alberto GUILLEN was read his Miranda Warning Rights as per service form I-214 in his preferred language of English. GUILLEN signed the Miranda Warning Rights form indicating he understood his rights. GUILLEN agreed to provide a video-recorded statement without an attorney present.

PRINCIPAL STATEMENT (Mario Alberto GUILLEN):

GUILLEN stated that he was recruited to do this job about two weeks ago. He stated he met an unknown man at a bar while drinking some beers. GUILLEN stated that the man asked him if he

wanted to make some money and GUILLEN inquired as to what he had to do. GUILLEN stated that the male person told him all he had to do was drive down to the Rio Grande Valley (RGV) and transport an illegal alien up to Houston, Texas.

GUILLEN stated that he departed from Houston, Texas on Friday April 6, 2018 and arrived in Mission, Texas. Subject stated he had received a call from the male person giving him instructions and what to look for. GUILLEN stated he was told that the illegal alien would already be a predetermined gas station and would be wearing a red shirt. Subject stated that when he pulled into the gas station he noticed a male subject standing off to the side of the store. GUILLEN stated that after he finished pumping gas, he went inside the store to pay. He then says that after returning to his vehicle he did not see the person wearing a red shirt anymore so he assumed that he was inside of his trunk.

GUILLEN then got into the vehicle and began to drive northbound on Highway 281. He drove until finally reaching the checkpoint where he was then placed under arrest for the illegal alien who was found inside of the trunk.

MIRANDA RIGHTS WARNING:

Lucio CARILLO-Baez and was read his Miranda Warning Rights as per service form I-214 in his preferred language of Spanish. CARILLO-Baez signed the Miranda Warning Right form indicating he understood his rights. CARILLO-Baez agreed to provide a video-recorded statement without an attorney present.

MATERIAL WITNESS STATEMENT (Lucio CARILLO-Baez):

Lucio CARILLO-Baez stated that he crossed illegally into the United States near Hidalgo, Texas on April 2, 2018. CARILLO-Baez stated that he made the smuggling arrangements in Mexico and he was going to pay \$8,000.00 to get smuggled to New York. Lucio CARILLO-Baez stated that he crossed with one male brush guide and that they walked for approximately 10 minutes to an abandoned house. CARILLO-Baez stated that the brush guide left him there and a couple of hours later a grey SUV arrived and picked him up. CARILLO-Baez stated that a Mexican male was the one that picked him up and transported him to a two story brown house. CARILLO-Baez stated that he stayed there for four days. CARILLO-Baez stated that the caretaker transported him on April 6, 2018 in a white Chevrolet Silverado to a yellow in color one story, wooden house. CARILLO-Baez stated that the caretaker dropped him off at the house. Mario Alberto GUILLEN then arrived at the house a short time later.

CARILLO-Baez stated that GUILLEN told him that he was going to take him to Houston, Texas in the morning. CARILLO-Baez stated that GUILLEN coached him to say he was picked up at a gas station and that he got in the trunk by himself. CARILLO-Baez stated that at approximately 3:50 a.m. GUILLEN told him to get in the trunk of the blue car and that he would be inside for 40 minutes until they successfully passed the immigration checkpoint. CARILLO-Baez stated that GUILLEN then closed the trunk and departed to Houston. CARILLO-Baez stated that he did not feel that the car stopped until they arrived at the checkpoint. CARILLO-Baez stated that GUILLEN did not instruct him how to exit the trunk in case of an emergency.

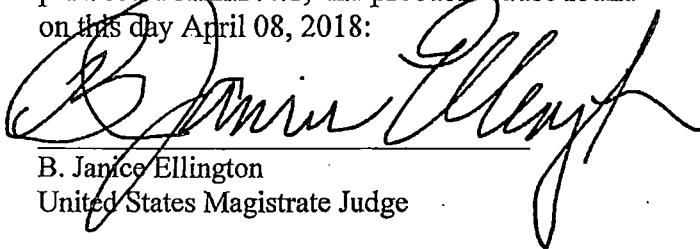
DISPOSITION:

The facts of this case were presented to Assistant United States Attorney Amanda Gould who accepted Mario Alberto GUILLEN for prosecution of 8 USC 1324, Alien Smuggling. Lucio CARILLO-Baez will be held as a material witness in this case.



Julien B. James
Border Patrol Agent

Submitted by reliable electronic means,
sworn to, signature attested telephonically
per Fed.R.Crim.P.4.1, and probable cause found
on this day April 08, 2018:



B. Janice Ellington
United States Magistrate Judge